

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 07-315

v.

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SECTION: "R"

LIONEL CLAY

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FACTUAL BASIS

The above-named defendant, **LIONEL CLAY**, has agreed to plead guilty as charged to Count One of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **LIONEL CLAY** ("**CLAY**"):

All of the events set forth in this Factual Basis occurred within the Eastern District of Louisiana.

New Orleans Police Department ("NOPD") officers received information from a reliable confidential informant ("CI") regarding the distribution of crack cocaine from Trailer #54 at 7731 Chef Menteur Highway. The CI gave a description of the seller and the location of the

trailer. The CI indicated that the seller, who was known as “Fat,” would ride his bicycle down Chef Menteur Highway and distribute crack to other persons. “Fat” would return to his trailer and retrieve more crack when his supply ran down.

On June 5, 2007, Detectives with NOPD made a controlled purchase from “Fat,” who was later identified as **CLAY**, using the CI. The CI met **CLAY**, who was on his bicycle, at the front of the trailer park. After a brief conversation, **CLAY** went to his trailer, which was Trailer #54.. Shortly thereafter, he returned to the front of the trailer park, met with the CI, took money from the CI, and gave the CI a piece of crack.

Detectives decided to search **CLAY**’s trailer. Det. Andrew Palumbo obtained a search warrant from Criminal District Court Magistrate Ruche Marino on June 6, 2007, at 11:00 a.m.

On June 8, 2007, at about 9:45 a.m., Det. Palumbo established surveillance of the trailer park. At about 10:30 a.m., he observed **CLAY** exit trailer #54, get onto his bicycle, and ride to Chef Menteur Highway. **CLAY** was in black jean shorts and a white t-shirt. His bicycle was blue and had white walled tires. Once on Chef Menteur Highway, **CLAY** turned eastward. Det. Palumbo radioed a description to other officers in the area, who stopped **CLAY**, advised him that he was under investigation, and Mirandized him. Detectives asked **CLAY** for his address, but **CLAY** refused to answer. **CLAY** had a set of keys hanging from his belt loop. Det. Palumbo came to the location and positively identified **CLAY** as the subject who had distributed crack cocaine to the CI, and the subject whom he had just served leaving trailer #54.

Detectives advised **CLAY** of the search warrant. **CLAY** refused to give his address, but he stated that he did not live at trailer #54.

Detectives relocated with **CLAY** to the trailer. Using the key from **CLAY**’s belt loop,

detectives entered trailer #54. No other occupants were found inside.

Detectives secured the trailer and began to search it. Det. Lubrano located an oven mitt on the countertop near the stove. Inside the mitt was a large plastic bag tied at the top. The bag was found to contain 95 off-white rock-like substances, each individually wrapped in clear plastic. They were packaged in the same manner as the item that **CLAY** had sold to the CI. Field tests were positive for cocaine. Det. Lubrano also found a box of sandwich bags on top of the kitchen cabinets.

A complete search of the trailer revealed various documents and paperwork, including a tax return, in the name of **LIONEL CLAY** with the trailer's address, and Louisiana adoption papers in the name of **LIONEL CLAY** with the trailer's address.

CLAY was placed under arrest. A search incident to the arrest yielded \$56.00 in **CLAY's** front left pocket.

The crack cocaine seized during the execution of the search warrant was sent to the South Central Laboratory in Dallas, Texas. On September 21, 2007, it was analyzed by Senior Forensic Chemist Erika Derks. The substance was found to have a net weight of 18.6 grams and tested positive for the presence of cocaine base.

KEVIN G. BOITMANN, La. Bar No. 26203
Assistant United States Attorney

LIONEL CLAY
Defendant

ROMA KENT
Attorney for Defendant